

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

United States of America, et al.)	
)	
Plaintiffs,)	
)	
v.)	Case No. 1:02cv00107
)	(Consol. with C-1-02-108 and
)	C-1-02-135)
The Board of County Commissioners,)	
Hamilton County, Ohio)	Judge S. Arthur Spiegel
)	
)	
Defendants.)	
)	
)	

DECLARATION OF MARTIN M. UMBERG

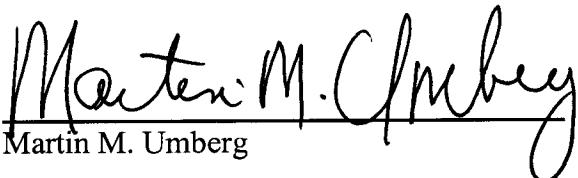
I, Martin M. Umberg, state and declare as follows:

1. I am over 18 years of age and am competent to testify regarding the following.
2. I am currently Sewers Chief Engineer - Special Projects for the Metropolitan Sewer District of Greater Cincinnati ("MSD"). I have held that post since July 1999, and have been employed by the City for approximately seventeen years.
3. I was MSD's project manager for the preparation of the Interim Remedial Measures Plan that MSD was required to submit pursuant to Section VI.B.1 of the Interim and Partial Consent Decree. The IRM Plan was submitted to the United States on January 13, 2003. The IRM Plan contained a proposed interim solution for SSO 700 that provided technical specifications and a construction schedule for the Chemically Enhanced High Rate Settling with Ballasted Flocculation (the "CEHRS") and storage system.
4. As it was initially submitted, the IRM Plan set a substantial completion date of July 2007 for the SSO 700 interim facility. As initially proposed, the facility was to include 1 million gallons of storage that would allow no overflows for the defined typical year, and was estimated to cost \$11.3 million. Wastewater disinfection was included in the proposed facility, and this aspect of the SSO 700 interim remedy has not changed since it was first proposed to the Government.
5. In their review of the initial IRM Plan, the Government expressed the opinion that the schedule suggested was not as expeditious as possible. The IRM Plan was subsequently amended to include a substantial completion date of July 2006.

6. As part of his technical review of the IRM Plan, Mark Klingensteine, the United States' expert, pointed out that if MSD increased the storage capacity of the CEHRS, the facility could handle a ten-year storm event.
7. Based on Mr. Klingenstein's suggestion, MSD consulted with its contractors on the feasibility of increasing the storage capacity of the interim treatment facility. After consideration, the decision was made internally at MSD to increase the size of the storage facility, and this decision was later incorporated in the IRM Plan by an addendum. The upgraded CEHRS provides 3.6 million gallons of storage capacity – enough to handle a 10-year storm –at a total estimated cost of \$15.3 million.
8. MSD's decision to provide the additional storage capacity was considered a relatively inexpensive way to provide facility capacity for a 10-year storm – which was considered to be a substantial benchmark for SSO control.

I swear under penalty of perjury that the foregoing is true to the best of my knowledge and belief.

Executed this 30th day of August, 2004.



Martin M. Umberg